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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DECISION
ON PETITION

LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET, 2ND FLOOR
PALO ALTO CA 94306

In re Application of:

Akyol et al.

Application No. 09/324,367

Filed: June 2, 1999

For: DYNAMIC RESOURCE ALLOCATION AND
MEDIA ACCESS CONTROL FOR A WIRELESS
ATM NETWORK

This is a decision on the petition filed June 30, 2003 to withdraw the holding of abandonment under MPEP 711.03(c)(II) and pursuant to 37 CFR § 1.181(a). No fee is required.

The application is abandoned for failure to timely file a proper reply to the non-final Office action mailed June 5, 2002 and re-mailed September 3, 2002. A Notice of Abandonment was mailed April 2, 2003.

Petitioner alleges that the non-final Office action was not received.

A review of the record indicates that a Change of Address was received in the Patent Office on July 27, 2000. However, the non-final Office action mailed on June 5, 2002 and again on September 3, 2002 was not mailed to the address specified in the Change of Address. Similarly, the Notice of Abandonment was also mailed to an incorrect address. Therefore, there was an irregularity in mailing the non-final Office action on the part of the Patent and Trademark Office.

Accordingly, the petition is GRANTED.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The present correspondence address above was verified in a phone conversation with Marcia Gideon on July 31, 2003. She stated that a disk listing numerous applications was sent to the Patent and Trademark Office on April 10, 2003 to effect changing addresses, and that another disk correcting errors from the first disk was sent in July 10, 2003. The Patent Application Location Monitoring (PALM) system confirms that the address listed above is the current correspondence address.

Due to the time lapse between the mailing date of the Office action and the mailing date of this decision, the application file will be forwarded to the examiner for updating the search and other action as appropriate. From there, the file will be forwarded to the Technology Center's technical support staff for re-mailing the non-final Office action. The period for response will be reset to run from the mailing date thereof.

Allen MacDonald

Allen R. MacDonald, Director
Technology Center 2600
Communications